

Dianne Crandell Kerns, Trustee
Office of the Chapter 13 Trustee
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United States Bankruptcy Court
District Of Arizona

In re:)	
)	
ROBERTA COFFEY)	Case No. 10-10705-TUC-JMM
)	
)	
)	
Debtors)	Chapter 13
)	
Last four digits of Social Security No.: 0452)	
)	
)	

*Notice of Return of
Proposed Stipulated Order on Confirmation (SOC)
Notice of Motion to Dismiss
And
Notice of Intent to Upload Order Dismissing Case*

Dianne C. Kerns, Trustee for the above-captioned estate, hereby gives notice that the *Order Confirming Chapter 13 Plan* has been reviewed by the Trustee and is being returned to Debtor's counsel for the following reasons:

- 1. A motion to dismiss for delinquency has been filed.**

2. FV-1 in Trust has filed an objection to the Chapter 13 Plan, if there has been resolution the creditor will need to either withdraw their objection or sign the Stipulated Order on Confirmation agreeing to the treatment.
3. The Debtor's Schedule J does not list a monthly amount for mortgage. An Amended Schedule J will need to be filed in order for our office to determine the Debtor's monthly expenses.
4. The Stipulated Order on Confirmation needs to address the specific amount to be paid for the monthly ongoing mortgage payment.
5. Pursuant to the Trustee's calculations, the Chapter 13 Plan is not feasible as currently proposed because it does not comply with 11 U.S.C. §1325(b)(1)(B). Comparing the Form B22C CMI (\$4583.67) and Debtor's reasonable expenses as shown in Schedule J (\$1515.00), the disposable income of \$3068.67, multiplied by 36 months, results in a dividend to unsecured creditors of \$110472.12. Pursuant to the Trustee's calculations, the dividend to unsecured creditors is \$5704.33.

The Trustee further gives notice that the debtor is required to resolve the above issues, resubmit the Order Confirming Plan to the Trustee and file a Notice with the Court stating the issues have been resolved.

This Notice will serve as the Trustee's Motion to Dismiss the case in the event the above issues are not resolved within 30 days from the date of this Notice.

Pursuant to L.R.B.P. 2084-10(b), the Debtor has 30 days to comply with the Trustee's requests, or the Trustee will upload and serve a proposed dismissal order stating the Debtor has failed to comply with the Trustee's request. If the Debtor is unable to comply with the requirements within 30 days, an extension of time should be requested from the Bankruptcy Court stating the reasons for the delay.

Dated this 5th day of May, 2011.

OFFICE OF THE CHAPTER 13 TRUSTEE
7320 N. La Cholla #154-413
Tucson, AZ 85741

By /s/ DCK 011557

Dianne C. Kerns, Chapter 13 Trustee

A copy of the foregoing **NOTICE OF RETURN OF PROPOSED STIPULATED ORDER ON CONFIRMATION (SOC), NOTICE OF MOTION TO DISMISS AND NOTICE OF INTENT TO UPLOAD ORDER DISMISSING CASE**

was filed with the United States Bankruptcy Court and a copy together with a receipt of filing transmitted via electronic or first class mail this 5/5/2011 to:

Debtor:
ROBERTA COFFEY
7419 W BLANFORD DR
TUCSON AZ 85743

Attorneys for Debtor:
BRIAN DAULT
908 W CHANDLER BLVD STE D
CHANDLER AZ 85225

By: AM